

REMARKS

The present communication responds to the Office Action mailed December 6, 2006. In that Office Action, the Examiner rejected each of claims 1-3, 16, 23-24, and 29-30. In addition the examiner objected to claims 18, 20-22, 25-28 and 31.

With the present response the applicant cancels claims 1 and 24. As suggested by the examiner, applicant rewrites claim 18 in independent form including all of the limitations of claim 1. The following non-limiting phrases have been omitted from the language used to rewrite claim 18: "separate" and "of a size that prevents leakage of liquid." In keeping with the cancellation of claim 1 and rewriting of claim 18, claims 2, 16, and 23 have been amended to depend from claim 18 in lieu of cancelled claim 1. Additionally, claim 2 has been amended to change the phrase "formed integrally with one another" to "a unitary structure." Applicant also amends claim 3 to depend only from claim 2 in lieu of both claim 1 and claim 2. As also suggested by the examiner, applicant rewrites claim 25 and 31 in independent form including all of the limitations of claim 24. As with claim 18, the non-limiting term "separate" has been omitted from the language used to rewrite these claims. Applicant also amends claim 29 and 30 to depend from claim 31. No new matter is added with these amendments. Support for the amendment to claim 2 can be found at page 2, lines 37 through page 3, line 1 and also at page 4, lines 4-6. Support for all other amendments are inherent in the claims.

Nothing in the prior art teaches, suggests, or provides any expectation of success for a cassette with a plurality of cartridges for dispensing 10-500 nanoliter drops, where the cartridges include a reservoir and an outlet member attached and adjacent to the reservoir, the outlet member having an aperture, and each liquid reservoir contains fluid and is closed at one end by a frangible sealing means. Applicant respectfully requests that all amendments be entered. Moreover, applicant respectfully requests allowance of the claims.

Allowable Subject Matter

Applicant kindly thanks the examiner for suggesting the rewriting of claims 18, 20-22, 25-28, and 31 in independent form. At the examiners suggestion, applicant has rewritten claims 18, 25, and 31 to include all of the limitations of the claims' respective base claims. The objection to claims 18, 20-22, 25-28, and 31 for reliance on a rejected base claim has thus been traversed. As noted above, the term "separate" has been omitted from the language used to

rewrite claims, 18, 25, and 31. This term was rejected for failing to comply with the written description requirement in the office action mailed on June 30, 2006. While applicant traversed the rejection at that time, applicant wishes to delete the term. Also, as noted above, the phrase “of a size that prevents leakage of liquid” has been omitted from the language used to rewrite claim 18. This is in response to the rejection in this office action indicating that this language, as used in claim 1, was indefinite.

Applicants respectfully request withdrawal of the objection and allowance of claims 18, 20-22, 25-28, and 31. Additionally, claims 2, 16, and 23 have been amended to depend from rewritten claim 18 and each recites additional limitations. Thus, applicants request allowance of claims 2, 16, and 23 for the same reasons as claim 18. Furthermore, claim 3 has been amended to depend from claim 2 rather than claims 1 and 2. Claim 3 recites additional limitations from claim 2 and allowance is requested for the same reasons as claim 2. Claims 29 and 30 have also been amended to depend from rewritten claim 31 and each recites additional limitations. Thus, applicants request allowance of claims 29 and 30 for the same reasons as claim 31.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 1, 2, 16 and 31 were rejected under 35 U.S.C. § 112, Second Paragraph, for indefiniteness for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 has been cancelled. However, it is noted that the language “of a size that prevents leakage of liquid” was omitted from the language used to rewrite claim 18. This was done in response to this objection. Thus, applicant suggests that this indefiniteness rejection does not apply to newly rewritten claim 18.

Claim 2 has also been amended to change the phrase “formed integrally with one another” to “a unitary structure.” Page 2, line 37 continuing through page 3, line 1 suggests that it is preferred that these cartridges are formed integrally with one another to form a cassette. Similar language can be found at page 4, lines 4-6. In both of these locations, the method of making is not being discussed. Rather, the structure of the cartridges as a unitary structure is

being suggested. It is also noted that claim 2 has been amended to depend from rewritten claim 18 and it recites additional limitations. Reconsideration and allowance of claim 2 is requested for the same reasons as claim 18, and because the indefiniteness rejection has been traversed.

No specific reason for the indefiniteness rejection of claims 16 and 31 was presented. It is noted that claim 16 has been amended to depend from rewritten claim 18, which has omitted the language rejected as indefinite in claim 1. Also, claim 31 has been rewritten in independent form. For these reasons, withdrawal of the indefiniteness rejection and allowance of the claims is respectfully requested.

Rejection Under 35 U.S.C. § 102(e)

Claims 1-3, 16, 23-24, and 29-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gordon et al. (U.S. Patent Application 2003/0026732). Applicant has cancelled both independent claims 1 and 24 and has rewritten dependent claims 18, 25, and 31 in independent form. None of claims 18, 25, or 31 were rejected as being anticipated by Gordon et al. All of the remaining rejected claims 2, 3, 16, 23, 29, and 30 depend from these rewritten independent claims and recite additional limitations. Anticipation by Gordon et al. has thus been obviated.

Gordon fails to disclose each element of the independent claims. The dependent claims rely on and recite further limitations than the independent claims and thus Gordon also fails to disclose each element of the dependent claims. Therefore, reconsideration and withdrawal of the § 102(e) rejection is requested.

CONCLUSION

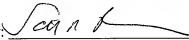
This response is being submitted on or before March 6, 2007, with a Petition for a One Month Extension of Time, and the required fees, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment to Deposit Account No. 04-1420.

The application is in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,
DORSEY & WHITNEY LLP

CUSTOMER NUMBER 25763

Date: April 4, 2007

By: 

Scott D. Rothenberger, Ph.D.
Reg. No. 41,277
(612) 340-8819